

## CONGRESSIONAL RECORD SUMMARY

Wednesday, June 12, 2002

### SENATE

#### H.R. 8. Death Tax Elimination Act:

*Senate continued consideration of H.R. 8*, to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period.

*Pages S 5398-S 5435, D 599*

**During consideration of this measure today, Senate also took the following action:**

By 44 yeas to 54 nays (Vote No. 149), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, *Senate rejected the motion to waive section 311 of the Congressional Budget Act with respect to Reid (for Dorgan) Amendment No. 3832 (to Amendment No. 3831)*, to amend the Internal Revenue Code of 1986 to make permanent the estate tax in effect on December 31, 2009, to increase the exclusion amount to \$4,000,000 in 2009, and to provide a full family- owned business interest deduction in 2003. Subsequently, the point of order that the amendment was in violation of section 311 of the Congressional Budget Act was sustained, *and the amendment thus fell.*

*Pages S 5398-S 5412, D 599*

By 38 yeas to 60 nays (Vote No. 150), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, *Senate rejected the motion to waive section 311 of the Congressional Budget Act with respect to Conrad Amendment No. 3831, in the nature of a substitute.* Subsequently, the point of order that the amendment was in violation of section 311 of the Congressional Budget Act was sustained, *and the amendment thus fell.*

*Pages S 5398-S 5434, D 599*

By yeas to nays (Vote No. 151), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, *Senate rejected the motion to waive section 311(a)(2)(B) of the Congressional Budget Act with respect to Gramm/Kyl Amendment No. 3833, to permanently repeal the death tax.* Subsequently, the point of order that the amendment was in violation of section 311(a)(2)(B) of the Congressional Budget Act was sustained, *and the amendment thus fell.*

*Pages S 5412-34, D 599*

Pursuant to the order of April 23, 2002, the bill was returned to the Senate calendar.

*Pages S 5434-5, D 599*

#### S. 2600. Terrorism Risk Insurance Act Agreement:

*A unanimous-consent agreement was reached providing for consideration of S. 2600, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism, at 10 a.m., on Thursday, June 13, 2002.*

*Pages S 5435-41, D 599*

**See Page S 5439: SEC. 10. PROCEDURES FOR CIVIL ACTIONS.**

*(c) Federal Jurisdiction.--*

*(1) In general.--Notwithstanding any other provision of law, not later than 90 days after the date of the occurrence of an act of terrorism, the Judicial Panel on Multidistrict Litigation shall assign a single Federal district court to conduct pretrial and trial proceedings in all pending and future civil actions for claims arising out of or resulting from that act of terrorism.*

*(2) Selection criteria.--The Judicial Panel on Multidistrict Litigation shall select and assign the district court under paragraph (1) based on the convenience of the parties and the just and efficient conduct of the proceedings.*

#### S. 2600. Terrorism Risk Insurance Act Agreement (Cont'd.):

(3) *Jurisdiction.*--The district court assigned by the Judicial Panel on Multidistrict Litigation shall have original and exclusive jurisdiction over all actions under paragraph (1). For purposes of personal jurisdiction, the district court assigned by the Judicial Panel on Multidistrict Litigation shall be deemed to sit in all judicial districts in the United States.

(4) *Transfer of cases filed in other federal courts.*--Any civil action for claims arising out of or resulting from an act of terrorism that is filed in a Federal district court other than the Federal district court assigned by the Judicial Panel on Multidistrict Litigation under paragraph (1) shall be transferred to the Federal district court so assigned.

(5) *Removal of cases filed in state courts.*--Any civil action for claims arising out of or resulting from an act of terrorism that is filed in a State court shall be removable to the Federal district court assigned by the Judicial Panel on Multidistrict litigation under paragraph (1).

#### **Committee Meeting:**

**Committee on the Judiciary:** Subcommittee on Constitution concluded hearings to examine issues with respect to reducing the risk of executing the innocent, focusing on the Report of the Illinois Governor's Commission on Capital Punishment.

Page D 601

#### **Committee Meetings For Thursday, June 13, 2002:**

**Committee on the Judiciary: @ 10:00 a.m.** *Business meeting to consider pending calendar business.* SD-226.

**Committee on the Judiciary: @ 2:00 p.m.** *Full Committee, to hold hearings on the nomination of John M. Rogers, of Kentucky, to be United States Circuit Judge for the Sixth Circuit; the nomination of David S. Cercone, to be United States District Judge for the Western District of Pennsylvania; the nomination of Morrison C. England, Jr., to be United States District Judge for the Eastern District of California; the nomination of Kenneth A. Marra, to be United States District Judge for the Southern District of Florida; and the nomination of Lawrence A. Greenfeld, of Maryland, to be Director of the Bureau of Justice Statistics, Department of Justice.* SD-226.

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#### **Remarks:**

##### **Reinventing Probation And Parole.**

"... We can do better. A rational probation and parole system would deter crime before it happens, using two basic elements. First, we would have strict supervision focused on the conduct that leads to crime. Instead of just rules against drug use, we would have frequent drug testing, like twice-a-week testing. Second--and this is critical--we would have automatic punishments for people who break the rules. Those punishments would be swift and certain and graduated. You test positive for drugs, you get punished. You test positive a second time, you get punished more severely. Automatic, no exceptions; simple, swift punishment. [ ] By the way, the system ought to be the same for other violations of probation and parole besides drug abuse. Set real rules that focus on conduct connected with crime. If you break those rules, you suffer the consequences. That simple. No. 2: We need to get probation and parole officers out of their offices and on the streets. Right now, a lot of probation and parole officers sit in their offices and wait for trouble to come to them..."

Edwards

Pages S 5391-3

#### **HOUSE**

#### **Bills Introduced:**

**H.R. 4918.** A bill to *waive certain defenses to legal claims* brought by workers participating in the bracero program between 1942 and 1969; to the Committee on the Judiciary.

Gutierrez

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**H.R. 4922.** *A bill to restore first amendment protections of religion and speech; to the Committee on the Judiciary.*

Paul

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**H.R. 4775. Supplemental Appropriations:**

*The House disagreed with the Senate amendment to H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and agreed to a conference. Appointed as conferees: Chairman Young of Florida, Regula, Lewis of California, Rogers, Skeen, Wolf, Kolbe, Callahan, Walsh, Taylor of North Carolina, Hobson, Istook, Bonilla, Knollenberg, Obey, Murtha, Dicks, Sabo, Hoyer, Mollohan, Kaptur, Visclosky, Lowey, Serrano, and Olver.*

Pages H 3459-62, D 601

*Rejected the Obey motion* to instruct conferees to insist, for each item directly related to the war on terrorism or homeland security, on the higher dollar amount in either the House bill or the Senate amendment and to disagree to any item that appropriates additional funds earmarked for a specific project not related to the war on terrorism or homeland security by a yea-and-nay vote of 181 yeas to 235 nays, Roll No. 224.

Pages H 3471-2, D 601

**H.J. Res. 96. Tax Limitation Amendment to the Constitution:**

*The House failed to pass H.J. Res. 96, proposing a tax limitation amendment to the Constitution of the United States by a two thirds yea-and-nay vote of 227 yeas to 178 nays, Roll No. 225. Agreed to H. Res. 439, the rule that provided for consideration of the joint resolution by voice vote.*

Pages H 3472-87, D 603

*"... Let me say this, Mr. Speaker, as well. In this legislation, this proposed amendment, there is some language that says that there is an exemption, a waiver; that if this increase to the Internal Revenue system or stream of money is de minimis, then it is okay. Well, I know when we are sitting around as families around the kitchen table, there is a question about what is de minimis. What is de minimis? Will we be in a protractive, legal litigation in Federal courts trying to understand what is de minimis to protect Social Security, de minimis to protect the Medicare system, de minimis to fight the war in Afghanistan, de minimis to be able to secure our borders, de minimis to be able to pay our military personnel or our veterans..."*  
(Jackson-Lee, page H 3478)

**Executive Communication:**

**EC.-7360.** A letter from the Secretary, Department of State, transmitting a letter to certify that the Department has developed and implemented a worldwide watchlist of known or suspected money launderers, for the purposes of enforcing the new money laundering inadmissibility, pursuant to Section 1006(b) of the USA Patriot Act; to the Committee on the Judiciary.

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**Committee Meeting:**

**Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held an oversight hearing on Health Care Litigation Reform: "Does Limitless Litigation Restrict Access to Health Care?"**

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**Committee Meetings For Thursday, June 13, 2002:**

**Committee on the Judiciary, @ 10:00 a.m.** To mark up **H.R. 4598**, Homeland Security Information Sharing Act, to continue markup of **H.R. 3215**, Combating Illegal Gambling Reform and Modernization Act; and to mark up the following bills: **H.R. 1452**, Family Reunification Act of 2001; **H.R. 4623**, Child Obscenity and Pornography Prevention Act of 2002; **H.R. 4477**, Sex Tourism Prohibition Improvement Act of 2002; and **H.R. 4679**, Lifetime Consequences for Sex Offenders Act of 2002. 2141 Rayburn.

**Committee on the Judiciary, @ 2:30 p.m.** Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing on "*The CART (Copyright Arbitration Royalty Panel) Structure and Process.*" 2141 Rayburn.

**Committee on the Judiciary, @ 9:55 a.m.** Subcommittee on Crime, Terrorism, and Homeland Security, to mark up **H.R. 4864**, Anti-Terrorism Explosives Act of 2002. 2141 Rayburn.

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**Next SENATE MEETING: Thursday, 9:00 a.m., June 13, 2002.**

**Next HOUSE MEETING: Thursday, 10:00 a.m., June 13, 2002.**

**OLA: S. Schwarz, A. Santos**